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HOUSE BILL 226

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Brian F. Egolf

AN ACT

RELATING TO ALCOHOLIC BEVERAGE SALES; REQUIRING IDENTIFICATION FOR RETAIL PURCHASE; PROHIBITING CERTAIN RETAIL SALES; REQUIRING IGNITION INTERLOCK LICENSES AND CERTAIN IDENTIFICATION CARDS TO INDICATE THAT THE PURCHASE OF ALCOHOLIC BEVERAGES IS PROHIBITED; PROVIDING PENALTIES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Liquor Control Act is enacted to read:

"[NEW MATERIAL] IDENTIFICATION REQUIRED FOR RETAIL SALES.--A retailer or a retailer's employee or agent shall not sell alcoholic beverages to any person unless the person first produces documentary evidence of age and identity containing a picture of the person and issued by a federal, state, county or .174829.1

underscoring material = new
[bracketed material] = delete

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1 municipal government."

2 Section 2. A new section of the Liquor Control Act is
3 enacted to read:

4 "[NEW MATERIAL] PERSONS WITH IGNITION INTERLOCK LICENSES
5 OR CERTAIN IDENTIFICATION CARDS--ALCOHOL PURCHASES PROHIBITED--
6 PENALTIES.--

7 A. A retailer or retailer's employee or agent shall
8 not sell alcoholic beverages to a person who has an ignition
9 interlock license or an identification card that indicates that
10 the person is prohibited from purchasing alcohol.

11 B. A violation of the provisions of Subsection A of
12 this section is a misdemeanor, and the offender shall be
13 sentenced pursuant to Section 31-19-1 NMSA 1978. A third or
14 subsequent violation of the provisions of Subsection A of this
15 section is a fourth degree felony, and the offender shall be
16 sentenced pursuant to Section 31-18-15 NMSA 1978.

17 C. It is an affirmative defense to a criminal
18 prosecution brought pursuant to this section that, before
19 selling any alcoholic beverages, the accused in good faith
20 demanded and was shown documentary evidence of age and identity
21 containing a picture and issued by a federal, state, county or
22 municipal government."

23 Section 3. Section 66-5-405 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 332, as amended) is amended to read:

25 "66-5-405. CONTENTS OF CARD.--

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1 A. The identification card shall adequately
2 describe the registrant and bear [~~his~~] the registrant's picture
3 that shall show a full face or front view for all registrants
4 and indicate donor status. [~~All identification cards of~~
5 ~~persons under the age of twenty-one years shall have a printed~~
6 ~~legend indicating that the person is under twenty-one.~~] The
7 identification card shall bear the following statement:

8 "STATE OF NEW MEXICO IDENTIFICATION

9 CARD NO. _____

10 This card is provided solely for the purpose of establishing
11 that the bearer described on the card was not the holder of a
12 New Mexico driver's license as of the date of issuance of this
13 card. This identification card is not a license. ISSUED FOR
14 IDENTIFICATION PURPOSES ONLY".

15 B. An identification card of a person under the age
16 of twenty-one years shall have a printed legend indicating that
17 the person is under twenty-one.

18 C. An identification card of a person whose
19 driver's license is revoked for driving under the influence of
20 intoxicating liquor or drugs or for a violation of the Implied
21 Consent Act shall have a printed legend, displayed in such a
22 manner as to be easily read by any person inspecting the
23 license, indicating that the person is prohibited from
24 purchasing alcoholic beverages."

25 Section 4. A new section of the Ignition Interlock

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underscoring material = new
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1 Licensing Act is enacted to read:

2 "[NEW MATERIAL] IGNITION INTERLOCK LICENSE.--An ignition
3 interlock license shall be clearly marked to distinguish it
4 from other driver's licenses and shall have a printed legend,
5 displayed in such a manner as to be easily read upon inspection
6 of the license, indicating that the person is prohibited from
7 purchasing alcoholic beverages."

8 Section 5. Section 66-5-502 NMSA 1978 (being Laws 2003,
9 Chapter 239, Section 2, as amended by Laws 2007, Chapter 316,
10 Section 2 and by Laws 2007, Chapter 317, Section 3 and also by
11 Laws 2007, Chapter 319, Section 48) is amended to read:

12 "66-5-502. DEFINITIONS.--As used in the Ignition
13 Interlock Licensing Act:

14 A. "denied" means the division has refused to issue
15 an instruction permit, driver's license or provisional license
16 pursuant to the provisions of Subsection D or E of Section
17 66-5-5 NMSA 1978;

18 B. "ignition interlock device" means a device,
19 approved by the traffic safety bureau, that prevents the
20 operation of a motor vehicle by an intoxicated or impaired
21 person;

22 C. "ignition interlock license" means a driver's
23 license issued to a person by the division that allows that
24 person to operate a motor vehicle with an ignition interlock
25 device after that person's driving privilege or driver's

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underscoring material = new
[bracketed material] = delete

1 license has been revoked or denied [~~The division shall clearly~~
2 ~~mark an ignition interlock license to distinguish it from other~~
3 ~~driver's licenses~~]; and

4 D. "revoked" means the division, pursuant to the
5 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has
6 terminated a person's driving privilege or driver's license for
7 driving while under the influence of intoxicating liquor or
8 drugs."

9 Section 6. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2009.